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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1429 (2002) of 30 July 2002, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 January 2003. Under that resolution, the Council, inter alia, invited my Personal Envoy to pursue his efforts to find a political solution to the long-standing dispute in Western Sahara, taking into account the concerns expressed by the parties, and expressed its readiness to consider any approach which provides for self-determination. The Council also requested me to provide a report on the situation, before the expiry of the current mandate that would contain, inter alia, any further proposals together with recommendations pertaining to the most appropriate configuration of MINURSO. The present report covers developments since my previous report to the Council on the situation regarding Western Sahara dated 19 April 2002 (S/2002/467).

II. Activities of my Personal Envoy

2. My Personal Envoy, James A. Baker III, is scheduled to visit the region from 14 through 17 January, where he intends to meet the officials of the Government of Morocco in Rabat and the leadership of the Frente POLISARIO in Tindouf, as well as officials of the neighbouring States during visits to Algiers and Nouakchott. During his mission, Mr. Baker will present and explain to the parties and neighbouring countries a proposal for a political solution of the conflict over Western Sahara, which provides for self-determination as requested by the Security Council in its resolution 1429 (2002).

III. Developments on the ground

A. Contacts with the parties

3. During the reporting period, my Special Representative, William Lacy Swing, continued his regular contacts with representatives of the parties and neighbouring States. In this connection, he held regular exchanges with the MINURSO

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Coordinators of the Government of Morocco and the Frente POLISARIO in Laayoune and the Tindouf area, respectively, in order to keep an open channel of communication with them and to review periodically the situation on the ground. In the same spirit, Mr. Swing also continued high-level contacts with the Governments of neighbouring States, consulting with them during regular visits to the regional capitals.

B. Activities of the Identification Commission

4. During the reporting period, the Identification Commission continued its work in its offices in both Laayoune and Tindouf on the electronic archiving of the 244,643 individual files of persons who applied to be included in the list of voters for the referendum in Western Sahara. This work, initiated in August 2001, has thus far resulted in the electronic archiving of some 177,000 files. At the current rate, this process should be completed in April 2003.

5. The Commission has also undertaken the electronic archiving of other important documents produced or collected during the identification of voters and the receiving of appeals, and nearly completed a series of studies and contingency plans on any future role.

C. Military aspects

6. On 11 August 2002, Major-General Gyorgy Száraz (Hungary) assumed his functions as the new Force Commander of MINURSO. In this connection, I would like to express my appreciation to Brigadier General Claude Buze (Belgium), who served as MINURSO Force Commander with distinction throughout his three-year tour of duty.

7. As of 10 January 2003, the military component of MINURSO stood at 211 military observers and troops, against an authorized strength of 230 (see annex). Under the command of Major General Száraz, the component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO military forces, which has been in effect since 6 September 1991. During the reporting period, the MINURSO area of responsibility remained generally calm, and there has been no indication on the ground that either side intends to resume hostilities in the near future.

8. The Council will recall that on 21 March 2002, the Frente POLISARIO informed MINURSO of its decision to lift the restrictions that it had imposed in January 2001 on the freedom of movement of its military observers east of the defensive wall (berm). Since then, coordination meetings have taken place between MINURSO and Frente POLISARIO military officials to ensure that the final arrangements for the full restoration of the freedom of movement of United Nations military observers east of the berm are in place. My Special Representative has also followed up on the issue in his meetings with Frente POLISARIO senior officials. As a result of these efforts, by the end of June 2002, the January 2001 restrictions had been progressively lifted in all Frente POLISARIO military regions east of the berm and patrolling of MINURSO military observers was resumed in accordance with the provisions of the ceasefire arrangements between the Frente POLISARIO and MINURSO.

9. On the Moroccan-controlled side of the berm, MINURSO patrols continued to visit and inspect Royal Moroccan Army ground units larger than company size, in accordance with the ceasefire arrangements between MINURSO and the Royal Moroccan Army.

10. Cooperation continued between MINURSO and the Royal Moroccan Army, as well as with the Frente POLISARIO, regarding the marking and disposal of mines and unexploded ordnance. During the reporting period, the Royal Moroccan Army carried out 36 disposal operations, and the Frente POLISARIO carried out 9 such operations. MINURSO has initiated contacts for the establishment, through the Geneva International Centre for Humanitarian Demining, of an internal Information and Management System for Mine Action (IMSMA), which will facilitate planning of mine action activities when required.

D. Civilian police aspects

11. As of 10 January, the strength of the civilian police component of MINURSO stood at 26 officers (see annex), under the command of Inspector General Om Prakash Rathor (India). The component has continued to perform around-the-clock protective duties with regard to files and sensitive materials at the Identification Commission centres at Laayoune and Tindouf. Training activities also continued, including briefings of the Office of the United Nations High Commissioner for Refugees on the protection content of voluntary repatriation and on international instruments concerning refugees.

E. Prisoners of war, other detainees and persons unaccounted for

12. In my last report to the Security Council on Western Sahara (S/2002/467), I once again joined the International Committee of the Red Cross (ICRC) in expressing concern about the remaining 1,362 prisoners of war detained by the Frente POLISARIO. Since then, one of these prisoners died while in captivity. My Special Representative, in his talks with the parties, has continued to emphasize the need for the immediate release of all remaining prisoners of war or other detainees as well as for the establishment of the fate of persons unaccounted for since the beginning of the conflict. In this regard, he also met on 11 October 2002 at Geneva with senior ICRC officials to discuss these issues.

13. On 18 June 2002, the Frente POLISARIO announced its decision to release, at the request of a Member State, 100 of the 1,361 prisoners of war it held. On 7 July, the ICRC repatriated them to Morocco, along with the eldest of all remaining prisoners, whose release the Frente POLISARIO had decided upon earlier in 2002. This brings the total number of prisoners of war released in 2002 by the Frente POLISARIO to 216, with a total of 1,260 prisoners remaining. While all of the prisoners of war have been detained for more than 10 years after the cessation of active hostilities, in contravention of international humanitarian law, most of the prisoners of war (816) have been detained for more than 20 years. The ICRC has continued exchanging information with the parties with a view to determining the fate of persons unaccounted for since the beginning of the conflict.

14. At the end of October 2002, the Government of Morocco agreed that Sidi Mohammed Daddash, a former long-term Saharan prisoner who was released in

2001, could travel from the Territory to Norway to participate in an event sponsored by a non-governmental organization. There, he was able to meet for the first time after some 27 years of separation with his mother and sister, who had come from the Tindouf refugee camps especially for the occasion. I wish to express my appreciation to all those who contributed to this, albeit temporary, family reunification.

F. Situation of the Saharan refugees

15. From 4 to 8 November and from 13 to 14 December 2002, my Special Representative and a senior official of UNHCR held two rounds of consultations with representatives of the parties (in both rounds) and neighbouring States (in the first round only) regarding the implementation of confidence-building measures. The measures proposed by UNHCR provide for the establishment, at no cost to the beneficiaries, of telephone, mail and e-mail services between the Territory west of the berm and the Tindouf refugee camps and some parts of Mauritania, as well as for UNHCR-implemented exchange visits of separated Saharan family members between these locations. These measures also provide for the holding of seminars of a non-political nature in neutral venues with Saharan participants from both sides of the berm, and for a UNHCR information campaign on these measures, which would take place in the refugee camps and the Territory.

16. In the first round of talks, the parties agreed in principle to the implementation of these measures. In regard to the neighbouring States, Mauritania pledged full support for these measures, while Algeria expressed readiness also to fully support them provided they received the approval of the Frente POLISARIO. The second round of consultations was aimed at discussing the modalities for the implementation of the confidence-building measures. During this round, an obstacle emerged concerning the modalities for the selection of participants for the exchanges of family visits. UNHCR suggested that while persons on either side of the berm who are on the provisional voters' list established by MINURSO and have family members on the other side, should be the main beneficiaries of the exchange, this should not preclude the participation on pressing humanitarian grounds of persons who, although not on the list, might nevertheless have family on the other side. Whereas the Frente POLISARIO insisted that selection of participants should be confined to the provisional voters' list, Morocco rejected any reference to the list and maintained that all those with family members separated on either side of the berm should be entitled to participate in the visit exchange programme, irrespective of the list. Neither side appeared willing to reconsider its position. Morocco also raised a number of other issues regarding the implementation modalities of the activities foreseen in the project.

17. In the light of the above, and despite the manifest need for increased and generally accessible means for person-to-person contact between Saharans on both sides of the berm, it remains unclear whether it would be possible to pursue the implementation of the UNHCR confidence-building measures as currently foreseen. MINURSO and UNHCR will continue to review this issue, with a view to assisting the parties to find a mutually acceptable means of moving forward on it, especially regarding family visits. However, the implementation of these measures will require an agreement on the basis for selection of participants, which will in turn depend on

the willingness and ability of the parties to make fundamental compromises in their positions on this issue.

18. In the meantime, chronic underfunding of the food pipeline for the Western Saharan refugees led to intermittent shortages and increased malnutrition among the refugee population throughout 2002. During the reporting period, MINURSO continued to support actively the efforts of UNHCR and the World Food Programme to secure adequate funding for their respective Western Saharan refugee programmes. On 25 August 2002, my Special Representative briefed a joint UNHCR/WFP donors' meeting at Geneva, as well as the Executive Board of the WFP and 20 major food donors at a WFP-organized "Donors consultation" on 25 October 2002 in Rome.

19. In May 2002, the Executive Board of the WFP approved a two-year humanitarian assistance programme for the Tindouf refugee camps amounting to $29.7 million, of which $2.4 million has been covered by contributions. In July 2002, the European Commission Humanitarian Aid Office started the implementation of a 15-month, €14 million assistance programme for the refugee camps. Although, as a result of these efforts, the refugee food requirements for 2002 were met, current funding and food stocks will not meet all requirements for 2003.

G. African Union

20. During the reporting period, the observer delegation of the African Union to MINURSO, led by Ambassador Yilma Tadesse (Ethiopia), continued to provide valuable support and cooperation to the Mission.

H. Logistic aspects

21. Currently, MINURSO military observers are deployed across Western Sahara in 10 sites, most of which have been operating since the establishment of the Mission in 1991. Given the prohibitive desert climate, self-contained weather haven soft-wall structures, which have a normal lifespan of up to five years, have been used at these sites. Despite continuous maintenance and repair, the usefulness of these structures, which are now 12 years old, has reached its limit and they need to be gradually replaced. Through redeployment of funds, three of them are being replaced. Subject to decisions that the Security Council may take about the future of MINURSO, a contingency plan has been prepared to replace within three years the remaining weather haven structures.

I. Financial aspects

22. The General Assembly, by its resolution 56/298 of 27 June 2002, appropriated the amount of $43,412,900 gross to the Special Account inclusive of $41,529,500 for the maintenance of MINURSO, $1,681,900 for the support account for peacekeeping operations and $201,500 for the United Nations Logistics Base for the period from 1 July 2002 to 30 June 2003. I shall continue to reassess the Mission's resource requirements and revert to the General Assembly with consequential adjustments, if necessary.

23. As at 30 November 2002, unpaid assessed contributions to the Special Account for MINURSO amounted to $52,784,234. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,458,006,428.

IV. Observations and recommendations

24. Under Security Council resolution 1429 (2002) of 30 July 2002, the Council requested me to provide a report before the end of the present mandate of MINURSO on 31 January 2003, including, inter alia, any further proposals together with recommendations pertaining to the most appropriate configuration of MINURSO. As noted above, my Personal Envoy has now embarked on a visit to the region to present and explain to the parties and neighbouring countries a proposal for a political solution of the conflict over Western Sahara, which provides for self-determination, as requested by the Council in resolution 1429 (2002).

25. On the basis of this visit, my Personal Envoy and I will provide to the Security Council in due course our views of the options available to it with respect to the conflict over Western Sahara. In this connection, it should be recalled that the Security Council and the United Nations have worked diligently for nearly two decades to assist the parties to find a solution to the conflict. My Personal Envoy has dedicated nearly six years to this effort. Every possible option has been presented to the parties aimed at reaching an agreed solution. Obviously, the responsibility for a positive culmination of these efforts must now rest solely with the parties to the conflict.

26. As the parties consider the proposal presented by my Personal Envoy, I urge them to keep in mind the years of suffering this long-standing question has caused to thousands of innocent people in the Territory, the refugee camps and who remain as prisoners of war. At a time when the United Nations is facing many other pressing concerns regarding the maintenance of international peace and security, the parties should demonstrate statesmanship and seize this new opportunity to provide the people of Western Sahara a chance for a better life.

27. To give the parties time to consider the proposal presented to them by my Personal Envoy, I recommend a technical roll-over of MINURSO's mandate for a period of two months, until 31 March 2003.

28. During this period, the United Nations will continue to do all it can to address the humanitarian requirements of the Saharan refugees and to work with ICRC to address the urgent plight of the prisoners of war and persons unaccounted for. I call on the international community to provide the resources necessary to WFP and UNHCR to cover the refugee food requirements. I also strongly urge the parties to release without further delay those who have been held for so long in contravention of basic international humanitarian law, and to embark on confidence-building measures to help to alleviate the considerable suffering of the refugees who have been separated from their families for so long.

Annex

United Nations Mission for the Referendum in Western Sahara

Contributions as at 10 January 2003

	Military observers	*Force commander*	*Troops*	*Civilian police**	*Total*
Argentina	1				1
Austria	2				2
Bangladesh	8				8
China	16				16
Croatia	2				2
Egypt	19				19
El Salvador	4				4
France	25				25
Ghana	5		7	3	15
Greece	0				0
Guinea	3				3
Honduras	12				12
Hungary	6	1			7
India				3	3
Ireland	4				4
Italy	4				4
Jordan				5	5
Kenya	9				9
Malaysia	14				14
Mongolia	2				2
Nigeria	7			3	10
Norway				2	2
Pakistan	6			2	8
Poland	1				1
Portugal				4	4
Republic of Korea			20		20
Russian Federation	24				24
Senegal				3	3
Sweden				1	1
Uruguay	8				8
United States of America	1				1
Total	**183**	**1**	**27**	**26**	**237**

* Authorized strength is 81.

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